



**ZONING ADMINISTRATOR PERMIT  
STAFF REPORT  
APRIL 6, 2015**

<b>Proposal:</b>	<b>DARROW FARM MODEL HOME COMPLEX- (PLN2015-00199)</b> - To consider a Zoning Administrator Permit for a model home complex and sales office for Darrow Farm (Tract 8158) located at 42425 Mission Blvd in the Mission San Jose Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA guideline 15303 (New construction or conversion of small structures).
<b>Recommendation:</b>	Approve, based on findings and subject to conditions
<b>Location:</b>	42425 Mission Boulevard in the Mission San Jose Community Plan Area APN 513-473-2-2 (See aerial photo next page)
<b>Area:</b>	384 square foot sales office on one lot measuring 4,305 square feet
<b>People:</b>	Terry Wang, Robson Homes, Applicant James Willis, Staff Planner (510) 494-4449; jwillis@fremont.gov
<b>General Plan:</b>	Residential Low, 2.3 – 8.7 dwelling units per acre
<b>Zoning:</b>	Planned District P-2013-103

**EXECUTIVE SUMMARY:**

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The applicant is proposing to convert the ground floor of a garage within the development project into a sales office and a total of five lots into a model home complex to facilitate the sales of the residential units. Additionally, the project proposes a temporary parking lot, temporary landscape and hardscape improvements and an outdoor portable ADA accessible restroom adjacent to the sales office. The site is zoned Planned District P-2013-103 and is located on the new Emory Common street off of Mission Boulevard within the Mission San Jose Community Plan Area. The approximately 4.7 - acre site is currently under construction as part of the Darrow Farm development approved in June 2014, which will see the ultimate development of 24 single family homes including one relocated historic home on the project site. Staff recommends that the Zoning Administrator approve the project as shown on Exhibit "A" based on the findings and subject to the conditions contained in Exhibit "B."



Figure 1: Aerial Photo (2009) of Project Site and Surrounding Area.



<b>SURROUNDING LAND USES:</b>	North:	Public Facilities
	South:	I-680 Freeway, Low to Medium Density Residential beyond
	East:	I-680 Freeway, Public Facilities and General Commercial beyond
	West:	Low Density Residential

## **BACKGROUND AND PREVIOUS ACTIONS:**

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The Planned District which allowed the Darrow Farm Project was approved by the City Council on June 3, 2014. This approval included Vesting Tentative Tract Map 8158, a Preliminary Grading Plan, and a Private Street. The site was re-zoned from Single Family Residential R-1-10. An existing historic home on the site was relocated and is being renovated subject to HARB approval. The applicant has received building permits to construct 23 single family homes and to relocate and renovate the existing historic home. All permits have been issued and work is currently ongoing.

## **PROJECT DESCRIPTION:**

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The applicant requests the Zoning Administrator allow a temporary sales office and model home complex within a new residential development project as allowed under Fremont Municipal Code (FMC) section 18.190.560, Temporary Tract Offices. The applicant proposes to convert the ground floor of one garage of a house identified as Lot 2 into a sales office including associated temporary site improvements including landscape and hardscape, and a portable restroom. Lots 1 through 5 would be part of the model home phase.

## **PROJECT ANALYSIS:**

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### ***General Plan Conformance:***

The existing General Plan land use designation for the project site is Low Density Residential. The proposed project is consistent with the existing General Plan land use designation for the project site because it would permit a temporary office for the sale of units within an approved residential development.

### ***Zoning Compliance:***

As set forth in Section 18.190.560 of the FMC, temporary tract offices are allowed in any district, subject to a Zoning Administrator Permit and in conformance with the applicable provisions included in chapter 18.275.

Pursuant to FMC Section 18.190.560, the Zoning Administrator must consider the following when reviewing Zoning Administrator Permit Applications:

- (a) The proposed use is consistent with the general plan and any applicable community or specific plan because the existing land use is Low Density Residential and the proposed project is consistent with allowed uses for this designation;
- (b) The site is physically suitable for the type, density, and intensity of the proposed use because the use is located in an approved, under construction residential development and the project will be temporary;
- (c) The design, location, size, and operating characteristics of the proposed use are compatible with development in the vicinity because the project is within a previously approved residential development, the project would utilize five lots within a 24 lot development. Parking would be located on Lot 2 of the project and is located off of Emory Common which would be accessed directly from Mission Boulevard; and
- (d) The proposed use will not be detrimental to the public health, safety, or welfare of persons or property in the vicinity because the use will be no more intensive than the approved residential development;

**Discussion:**

Fremont Municipal Code section 18.190.560 allows temporary tract offices and model home complexes associated with new development tracts subject to a Zoning Administrator Permit. The initial permit for a temporary tract office shall be issued to be effective for a period of two years or such lesser period as the Zoning Administrator deems necessary to serve the applicant's purpose. Such permit is subject to renewal for additional one-year periods.

**Parking:**

The portion of the garage which is to be converted to model home is 384 square feet, office uses require 3.3 parking spaces per 1,000 square feet. Based on this standard, the project will require a minimum of 1 parking space. The applicant will provide 1 on site ADA accessible parking space in front of the garage for customers and sales employees, additional street parking is available on Emory Common.

**Circulation:**

The proposed model home and sales office is located on Emory Common, which is a private street with full street improvements. Access to the site will be via a stop sign controlled intersection with Mission Boulevard.

**Environmental Review:**

This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

**PUBLIC NOTICE AND COMMENT:**

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Public hearing notification is applicable. A total of 25 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on March 20, 2015. A Public Hearing Notice was published by *The Argus* on March 26, 2015.

**ENCLOSURES:**

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**Exhibits:**

- Exhibit "A" [Site plan, floor plan and landscape plans](#)
- Exhibit "B" [Findings and Conditions](#)

**Informational Items:**

- Informational 1 [Statement of operations](#)

**RECOMMENDATION:**

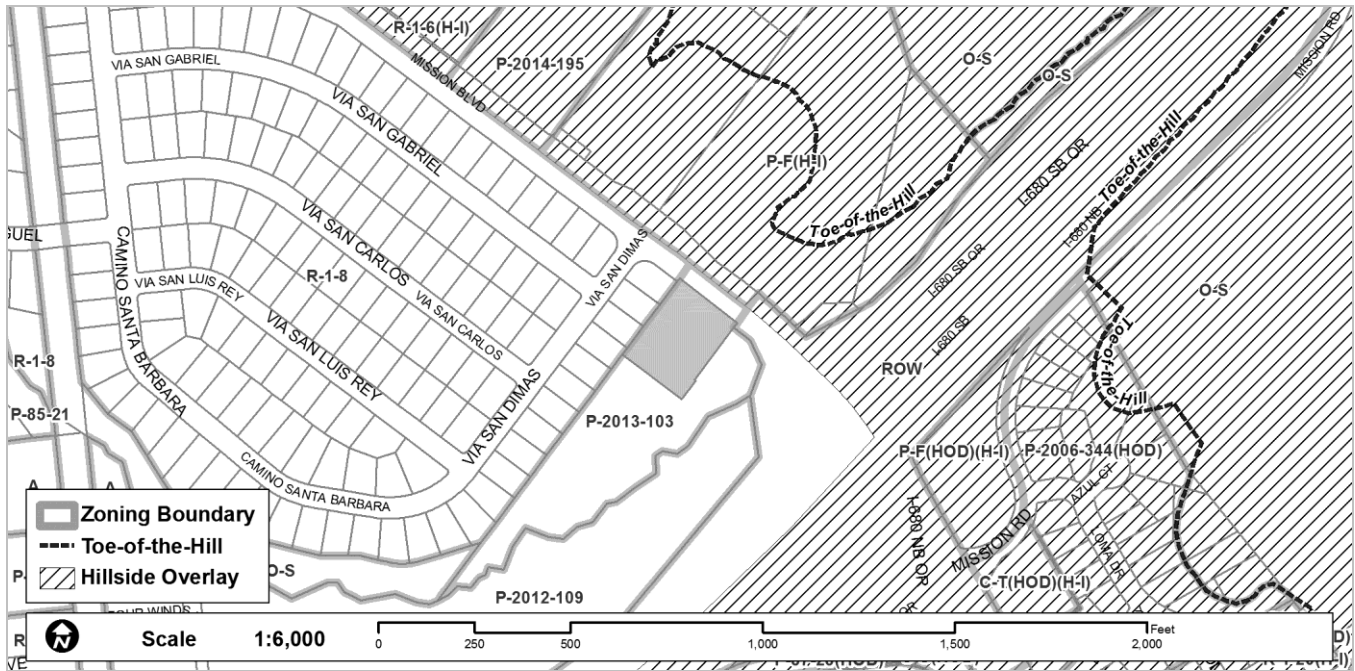
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1. Hold public hearing.
2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures because the project would convert the existing garage into a temporary sales office for the associated tract.
3. Approve Zoning Administrator Permit PLN2015-00199, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".



## Existing Zoning

Shaded Area represents the Project Site



## Existing General Plan

Shaded Area represents the Project Site

